

UNITED STATE DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BECKLEY DIVISION

JASON K. STRATTON,

Plaintiff,

v.

Civil Action No. 5:16CV12204  
Judge Irene C. Berger

ARCH COAL, INC., a foreign corporation,  
MINGO LOGAN COAL COMPANY, a  
foreign corporation, and ARCH COAL  
GROUP, LLC, a foreign corporation,

Removed From Circuit Court of  
Raleigh County, No. 16-C-724

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on the 22<sup>nd</sup> day of June, 2017, I electronically filed the "Certificate of Service" for "Defendant Mingo Logan Coal Company's Responses to Plaintiff's First Set of Requests for Admissions of Fact" with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to all counsel of record. I further certify that I also served a true copy of "Defendant Mingo Logan Coal Company's Responses to Plaintiff's First Set of Requests for Admissions of Fact" on this date by United States mail, postage prepaid, to the following counsel of record:

Stephen P. New  
114 Main Street  
P.O. Box 5516  
Beckley, WV 25801  
*Counsel for Plaintiff*

/s/ C. David Morrison  
C. David Morrison (WV Bar #2643)  
Shawn A. Morgan (WV Bar #6640)

9. Admit that West Virginia and Federal require compliance with any properly issues and served subpoena.

**RESPONSE:** This response cannot be admitted or denied. Due to grammatical and/or typographical mistakes, the request makes no sense.

10. Admit that provisions of West Virginia and federal law including, but not limited to Rule 45 of the West Virginia Rules of Civil Procedure and the Federal Rules of Civil Procedure requires compliance with a duly issued subpoena, and provide penalties for failure to do so.

**RESPONSE:** Partially admitted and partially denied. If there is no legitimate objection to a properly served subpoena, the request is admitted. However, the request is denied to the extent that a subpoena may be quashed under federal and/or state law.

11. Admit that Defendants did not fire Safety Directors that followed with Defendants' directives not to comply for the rules and regulations set forth in the foregoing Requests for Admissions.

**RESPONSE:** This request cannot be admitted or denied. Due to grammatical and/or typographical errors, the request makes no sense.

12. Admit that Defendants are an employer within the meaning of W.Va. Code § 5-11-1 *et seq.*

**RESPONSE:** Denied in part and admitted in part. Defendants admit that ML is an "employer", but deny that either Arch Coal, Inc., or Arch Coal Group, LLC, is an "employer" as the term "employer" is defined in the West Virginia Human Rights Act. Defendants also deny that these Defendants have ever been a single "employer".

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GROUP, LLC, a foreign corporation,

Removed From Circuit Court of  
Raleigh County, No. 16-C-724

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of June, 2017, I electronically filed the "Certificate of Service" for "Defendant Arch Coal, Inc.'s Responses to Plaintiff's First Set of Requests for Admission of Fact" with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to all counsel of record. I further certify that I also served a true copy of "Defendant Arch Coal, Inc.'s Responses to Plaintiff's First Set of Requests for Admission of Fact" on this date by United States mail, postage prepaid, to the following counsel of record:

Stephen P. New  
114 Main Street  
P.O. Box 5516  
Beckley, WV 25801  
*Counsel for Plaintiff*

/s/ C. David Morrison  
C. David Morrison (WV Bar #2643)  
Shawn A. Morgan (WV Bar #6640)

10. Admit that provisions of West Virginia and federal law including, but not limited to Rule 45 of the West Virginia Rules of Civil Procedure and the Federal Rules of Civil Procedure requires compliance with a duly issued subpoena, and provide penalties for failure to do so.

**RESPONSE:** Please see the response of Mingo Logan Coal LLC to this request.

11. Admit that Defendants did not fire Safety Directors that followed with Defendants' directives not to comply for the rules and regulations set forth in the foregoing Requests for Admissions.

**RESPONSE:** ACI did not employ Safety Directors, but see the response of Mingo Logan Coal LLC to this request.

12. Admit that Defendants are an employer within the meaning of W.Va. Code § 5-11-1 *et seq.*


**RESPONSE:** Please see the response of Mingo Logan Coal LLC to this request.

13. Admit that Plaintiff was replaced by an individual that did not have a disability or perceived disability.

**RESPONSE:** ACI never employed Plaintiff, but see the response of Mingo Logan Coal LLC to this request.

Dated this 22<sup>nd</sup> day of June, 2017

STEPTOE & JOHNSON PLLC  
OF COUNSEL

  
C. David Morrison (WV Bar #2643)  
Shawn A. Morgan (WV Bar #6640)

400 White Oaks Boulevard  
Bridgeport, WV 26330  
(304) 933-8000  
*Counsel for Defendant Arch Coal Inc.*

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foreign corporation, and ARCH COAL  
GROUP, LLC, a foreign corporation,**

**Removed From Circuit Court of  
Raleigh County, No. 16-C-724**

**Defendants.**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of June, 2017, I electronically filed the "Certificate of Service" for "Defendant Arch Coal Group, LLC's Responses to Plaintiff's First Set of Requests for Admission of Fact" with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to all counsel of record. I further certify that I also served a true copy of "Defendant Arch Coal Group, LLC's Responses to Plaintiff's First Set of Requests for Admission of Fact" on this date by United States mail, postage prepaid, to the following counsel of record:

Stephen P. New  
114 Main Street  
P.O. Box 5516  
Beckley, WV 25801  
*Counsel for Plaintiff*

/s/ C. David Morrison  
C. David Morrison (WV Bar #2643)  
Shawn A. Morgan (WV Bar #6640)

10. Admit that provisions of West Virginia and federal law including, but not limited to Rule 45 of the West Virginia Rules of Civil Procedure and the Federal Rules of Civil Procedure requires compliance with a duly issued subpoena, and provide penalties for failure to do so.

**RESPONSE:** Please see the response of Mingo Logan Coal LLC to this request.

11. Admit that Defendants did not fire Safety Directors that followed with Defendants' directives not to comply for the rules and regulations set forth in the foregoing Requests for Admissions.

**RESPONSE:** ACG did not employ Safety Directors, but see the response of Mingo Logan Coal LLC to this request.

12. Admit that Defendants are an employer within the meaning of W.Va. Code § 5-11-1 *et seq.*


**RESPONSE:** Please see the response of Mingo Logan Coal LLC to this request.

13. Admit that Plaintiff was replaced by an individual that did not have a disability or perceived disability.

**RESPONSE:** ACG never employed Plaintiff, but see the response of Mingo Logan Coal LLC to this request.

Dated this 22<sup>nd</sup> day of June, 2017

STEPTOE & JOHNSON PLLC  
OF COUNSEL

  
\_\_\_\_\_  
C. David Morrison (WV Bar #2643)  
Shawn A. Morgan (WV Bar #6640)  
  
400 White Oaks Boulevard  
Bridgeport, WV 26330  
(304) 933-8000  
*Counsel for Defendant Arch Coal Group, LLC*